

**UNITED STATES BANKRUPTCY COURT**

**FOR THE**

**EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

In the Matter of:

RIGOBERTO A CRUZ

Debtor

Chapter 13

Case No. 12-11236-RGM

**MOTION TO DISMISS,**  
**NOTICE OF MOTION TO DISMISS**  
**AND**  
**NOTICE OF SCHEDULED HEARING ON THIS MOTION**

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

**Violation of 11 U.S.C. §1307(c)(6) -** Material default by Debtor as is reflected in the attached Trustee's Report of Receipts and Disbursements.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

**Notice and Motion to Dismiss**

Rigoberto A Cruz, Case #12-11236-RGM

***Attend the hearing to be held on October 10, 2012 at 9:30 a.m., in Courtroom #3 on the 3<sup>rd</sup> floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314.*** If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman  
300 North Washington Street, Ste.400  
Alexandria, VA 22314

Clerk of the Court  
United States Bankruptcy Court  
200 South Washington Street  
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: August 3, 2012

/s/ Thomas P. Gorman  
Thomas P. Gorman  
Chapter 13 Trustee  
300 N. Washington Street, #400  
Alexandria, VA 22314  
(703) 836-2226  
VSB 26421

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 3<sup>rd</sup> day of August, 2012, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

Rigoberto A Cruz  
Chapter 13 Debtor  
11620 Vantage Hill Road, Unit 21b  
Reston, VA 20190

Robert L. Vaughn, Jr.  
Attorney for Debtor  
O'conner & Vaughn, Llc  
11490 Commerce Park Dr , Ste. 510  
Reston, VA 20191

/s/ Thomas P. Gorman  
Thomas P. Gorman

CASE NO: 12-11236-RGM

STATUS: ACTIVE

DEBTOR: XXX-XX-2725

CRUZ, RIGOBERTO A

AKA:

DATE FILED: 02/27/2012 11620 VANTAGE HILL ROAD, UNIT 21

CONFIRMED: 06/21/2012 RESTON, VA 20190

LATEST 341: 04/03/2012

PERCENTAGE: 100.000

PLAN: 60 MONTHS

1st PAYMENT DUE: 03/2012

ON SCHEDULE: 1,523.65

ACTUAL PAYMENTS: 259.49

AMOUNT BEHIND: 1,264.16

ATTORNEY: ROBERT L. VAUGHN, JR.  
O'CONNER & VAUGHN, LLC  
11490 COMMERCE PARK DR , STE. 510  
RESTON, VA 20191  
Phone: Fax:

SCHEDULE: 304.73 MONTHLY

TOTAL PAID: 259.49

LAST 12 TRANSACTIONS

Date	Source	Amount
04/10/12	PC	259.49

PLAN AND FILED CLAIMS

CLAIM NO	CRED NO	CREDITOR NAME CLAIM REMARK	DISB CODE LAST DISB	CLASS PAY%	INT. BEGIN INT. RATE	FIX PAY ARREARS	ORG. CLAIM SCHED AMT	APPROVED TO BE PAID	PRIN. PAID INT. PAID	PRIN. DUE INT. DUE
001	323960	NATIONSTAR MORTGAGE	FIX 06/2012	SEC 100.00		259.48 1,053.40	12,461.63 15,568.96	12,461.63 12,461.63	244.00 0.00	12,217.63 0.00
002	327072	CAVALRY PORTFOLIO SERVICE, LLC	PRO	UNS 100.00		0.00 0.00	276.88 276.88	276.88 276.88	0.00 0.00	276.88 0.00
003	324772	OAK HARBOR CAPITAL LLC	PRO	UNS 100.00		0.00 0.00	413.97 413.97	413.97 413.97	0.00 0.00	413.97 0.00
004	327072	CAVALRY PORTFOLIO SERVICE, LLC UNLISTED	PRO-A	UNS 100.00		0.00 0.00	361.68 0.00	361.68 361.68	0.00 0.00	361.68 0.00
799	VAUGHN	ROBERT L. VAUGHN, JR. PRO BONO PER ATTY AT 341 Trustee Administrative Fees	PRO	ATY 100.00		0.00 0.00		0.00	0.00 0.00	0.00 0.00
TOTALS:								5.49	5.49	
						259.48 1,053.40	13,514.16 16,259.81	13,519.65 13,519.65	249.49 0.00	13,270.16 0.00

	ADMIN	ATTORNEY	PRIORITY	SECURED	UNSECURED	OTHER		
SCHED AMOUNT:	0.00	0.00	0.00	15,568.96	690.85	0.00		
CLAIM AMOUNT:	0.00	0.00	0.00	12,461.63	1,052.53	0.00		
PAID BY TRUSTEE:	0.00	0.00	0.00	244.00	0.00	0.00		
PAID BY 3rd PARTY:	0.00	0.00	0.00	0.00	0.00	0.00		
SUB TOTAL:	0.00	0.00	0.00	12,217.63	1,052.53	0.00	DUE CREDITORS:	13,270.16
INTEREST DUE:	0.00	0.00	0.00	0.00	0.00	0.00	EXPECTED ADMIN:	298.51
CONTINUING:	0.00	0.00	0.00	0.00	0.00	0.00	LESS AVAILABLE:	10.00
BALANCE DUE:	0.00	0.00	0.00	12,217.63	1,052.53	0.00	APPROX BALANCE:	13,558.67

\*\* Creditor has not filed a Proof of Claim. Accumulated funds will be released to other creditors if no claim is filed with the U.S. Bankruptcy Court by the date of the scheduled Chapter 13 Review Meeting.

Claims with an A code in the DISB/CODE column are placed on hold and need to be resolved. NO disbursements are being made to the creditor.

This is a progress report only and should not be used to calculate a payoff.

ToolBar 9.5